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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/671,643

Applicant(s)

ABBURI, RAJASEKHAR

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments filed 6/5/03 have been fully considered but they are not persuasive.

The Applicant argues, "... the Nagahama system cannot receive retailer information from such a license request and cannot identify the retailer from any retailer information and credit same, as is further required by such claims. Thus, the Nagahama system cannot receive retailer information from such a license request and cannot identify the retailer from any such retailer information and credit same, as is further required by such claims." The Applicant is required that a reference is to be considered not only for what it expressly states, but for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle*, 160 USPQ 806 (CCPA 1969). Also, one cannot show non-obviousness by attacking the references individually where the rejection is based on a combination of references. *In re Young*, 159 USPQ 725 (CCPA 1968). Nagahama is utilized in conjunction with Krishnan to show all the limitations of 1, 18, 35, and 52.

Nagahama as pointed out by the Applicant, does disclose a means for identifying the retailer and credit same as best seen in Fig.4 and per the Applicant's description Pg. 3 & 4, "... and the retailer upon distributing the package to the end-user ... in exchange for a payment.

The Applicant's second point is that Krishnan reference fails to teach that "... Krishnan reference ... therefore fails to disclose or suggest that the Krishnan license is obtained based on a request that includes retailer information associated with the

corresponding piece of digital content and identifying the retailer ...” As pointed out in the previous Office Action, Col. 9 & 10 lines 1-67 discloses a complete transaction involving a retailer or in Krishnan words, “ purchasing broker”. The Examiner contends that a purchasing broker performs the same function as a retailer and therefore is one in the same.

2. The Applicant takes issue with the Examiner’s taking of Official Notice that a “ customer and retailer” is equivalent to a “requesting customer and an originating customer”. The Examiner suggests that it is well known in the art of business that in a transaction there is normally at least two parties. There is the customer/buyer, which normally requests a service/product and a seller/retailer that has a service/product that a customer is requesting. The seller/retailer is the entity that has possession of the product/service. The Examiner contends that in the context of the references cited, “an originating customer” is in fact the seller/retailer because they have possession of the item of interest and is providing it to the requesting customer. In the chain of events in the distribution of an item, the requesting customer becomes the originating customer once they have possession of the item and has another requesting customer wanting to acquire the use of the item from them. The Examiner looked at the sequence of events and the entity possessing the item to determine the status of each entity during the transaction for the use of the item.

To further amplify, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition

so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "originating customer" in claims 66-77 is used by the claim to mean "\*\*the customer that the content had been originally issued to", while the accepted meaning is "reseller/retailer" once they are providing the content to another entity. The term is indefinite because the specification does not clearly redefine the term.

## DETAILED ACTION

### Claim Rejections - 35 USC §103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 18-29, 35-46, 52-63, 66-77 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,636,277 Nagahama [Nagahama'277], and further in view of US 6,073,124 Krishnan et al. [Krishnan'124].

As per Claims 1, 52 and 66.

Nagahama'277 discloses;

receiving a payment from the customer in connection with the license request;

Col.2, lines 14-17.

retrieving the retailer information from the license request and identifying the retailer there from; and crediting the identified retailer for a portion of the payment received. Col.2, lines 1-50, Fig. 3.

Nagahama'277 discloses the claimed invention except for receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer. However Nagahama'277 does disclose the end user ordering the desired product and providing payment. Krishnan'124 teaches that it is known to receive a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer; Col. 9, lines 24-67, Fig. 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer; Col. 9, lines 24-67, Fig. 4, as taught by Krishnan'124, since Krishnan'124 states at Col. 4, lines 40-45 that such a modification would permit a legitimate customer to execute (process) purchased content in a manner that helps prevent illegitimate piracy .

As per Claims 66-77, Nagahama'277 discloses the claimed invention except for the terms " requesting customer and originating customer" that is performing the active limitations of the claim. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the terms "requesting customer and originating customer" with " customer and retailer" since the examiner takes Official

Notice of the equivalent of "requesting customer and originating customer' and "customer and retailer' for their use in business transactions. The selection of any of these known equivalents to modify the limitations of a Claim would be within the level of ordinary skill in the art.

As per Claims 2,53 and 67.

Nagahama'277 further discloses;

wherein crediting the retailer comprises recording the retailer information in a database for accounting and payment distribution purposes, the database including an entry for each retailer information, each entry including a count for counting the number of times a license has been issued for the specific retailer information combination, such recording comprising:

finding the retailer information entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present; and incrementing the count in such entry. Col. 8, lines 45-67, Col. 9, lines 1-25,

As per Claims 3,54 and 68.

Nagahama'277 further discloses;

wherein crediting the identified retailer comprises crediting the retailer according to the count in the entry. Col. 9, lines 50-53.

As per Claims 4, 55 and 69.

Nagahama'277 further discloses;

receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer, and a content identification identifying the content, Col. 6, lines 59-63.

the method further comprising: retrieving the content identification from the license request and identifying the content there from; the method comprising crediting the identified retailer for a portion of the payment received according to the identified content. Col. 5, lines 13-15.

As per Claims 5,56 and 70.

Nagahama'277 further discloses;

recording the retailer information and content identification in a database for accounting and payment distribution purposes, the database including an entry for each content identification, each content identification entry including a sub-entry for each retailer information related to such content identification, each sub-entry including a count for counting the number of times a license has been issued for the specific content identification - retailer information combination, such recording comprising: finding the content identification entry in the database corresponding to the content identification of the request; Col. 15, lines 7-57.



Nagahama'277 discloses the claimed invention except for the creating such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. Krishnan'124 teaches that it is known to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present as taught by Krishnan'124. Col. 8, lines 33-67, Col. 9, lines 1-23. Fig. 3.

As per Claims 6, 57 and 71.

Nagahama'277 further discloses;

wherein crediting the identified retailer comprises crediting the retailer according to the count in the sub-entry. Col. 7, lines 7-10.

As per Claims 7, 58 and 72.

Nagahama'277 further discloses;

receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and

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identifying the retailer, a content identification identifying the content, and content distribution information associated with the corresponding piece of digital content and uniquely identifying the content as distributed by the retailer, the method further comprising: Col. 6, lines 59-64.

retrieving the content distribution information from the license request and identifying the content as distributed by the retailer there from; Col. 6, lines 65 67, Col. 7, lines 1-6.

the method comprising crediting the identified retailer for a portion of the payment received according to the identified content and identified content as distributed by the retailer. Col. 7, lines 6-10.

As per Claims 8, 59 and 73.

Nagahama'277 further discloses;

recording the retailer information, content identification, and content distribution information in a database for accounting and payment distribution purposes, the database including an entry for each content identification, each content identification entry including a sub-entry for each customer distribution information and retailer information combination related to such content identification, each sub-entry including a count for counting the number of times a license has been issued for the specific content identification - customer distribution information - retailer information combination, such recording comprising: finding the content identification entry in the database corresponding to the content identification of the request; finding, under such

content identification entry, the customer distribution information - retailer information sub-entry in the database corresponding to the customer distribution information - retailer information of the request; and incrementing the count in such sub-entry. Fig. 3.

Nagahama'277 discloses the claimed invention except for the creating such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. Krishnan'124 teaches that it is known to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present as taught by Krishnan'124. Col. 8, lines 33-67, Col. 9, lines 1-23. Fig. 3.

As per Claims 9, 60 and 74.

Nagahama'277 further discloses;

wherein crediting the identified retailer comprises crediting the retailer according to the count in the sub-entry. Col. 9, lines 18-25.

As per Claims 10, 61 and 75.

Nagahama'277 discloses the claimed invention except for the wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier. Krishnan'124 teaches that it is known to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier as taught by Krishnan'124, since Krishnan'124 states at Col. 13, lines 28-31 that such a modification would provide the information to download, license, purchase and track use of the associated electronic content.

As per Claims 11,62 and 76.

Nagahama'277 discloses the claimed invention except for the issuing the license. However, Nagahama'277 does teach about issuing keys to the user to operate their programs. Since both the keys and the license serve the same purpose, it would have been an obvious matter of design choice to replace the term keys with a license and visa versa without modifying the concept of the limitation. Since applicant has not disclosed that issuing a license in place of a key solves any stated problem or is for any particular purpose unique in design, it appears that the invention would perform equally well whether it was a key or a license that was being issued.

As per Claims 12,63 and 77.

Nagahama'277 discloses the claimed invention except for the wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein retrieving the retailer information comprises retrieving the retailer information as attached to the site identifier. Krishnan'124 teaches that it is known to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein retrieving the retailer information comprises retrieving the retailer information as attached to the site identifier. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein receiving the license request comprises receiving the license request as

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addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein retrieving the retailer information comprises retrieving the retailer information as attached to the site identifier as taught by Krishnan'124, since Krishnan'124 states at Col. 13, lines 28-31 that such a modification would provide the information to download, license, purchase and track use of the associated electronic content.

As per Claims 18 and 35.

Nagahama'277 discloses the claimed invention except for the terms "a first, a second, a third and a fourth module" that is performing the active limitations of the claim. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the term "computer program/system" with "a first, a second, a third and a fourth module, etc." since the examiner takes Official Notice of the equivalent of "computer program/system" and "a first, a second, a third and a fourth module, etc." for their use in computer application art and the selection of any of these known equivalents to modify the limitations of a Claim would be within the level of ordinary skill in the art.

Therefore, Nagahama'277 discloses;

a second module for receiving a payment from the customer in connection with license request; Col. 9, lines 14-17

a third module for retrieving the retailer information from the license request and identifying the retailer there from; and a fourth

module for crediting the identified retailer for a portion of the payment received. Col. 7, lines 1-50, Fig. 3.

Nagahama'277 discloses the claimed invention except for a first module for receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer. However Nagahama'277 does disclose the end user ordering the desired product and providing payment. Krishnan'124 teaches that it is known to receive a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer; Col. 9, lines 24-67, Fig. 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer; Col. 9, lines 24-67, Fig. 4, as taught by Krishnan'124, since Krishnan'124 states at Col. 4, lines 40-45 that such a modification would permit a legitimate customer to execute (process) purchased content in a manner that helps prevent illegitimate piracy .

As per Claims 19 and 36.

Nagahama'277 further discloses;

wherein the fourth module records the retailer information in a database for accounting and payment distribution purposes, the database including an entry for each retailer information, each entry including a count for counting the

number of times a license has been issued for the specific retailer information combination, the fourth module including:

a first sub-module for finding the retailer information entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present; and a second sub-module for incrementing the count in such entry. Col. 8, lines 45-67, Col. 9, lines 1-25, Fig. 5.

As per Claims 20 and 37.

Nagahama'277 further discloses;

wherein the fourth module credits the retailer according to the count in the entry.

Col. 9, lines 50-53.

As per Claims 21 and 38 .

Nagahama'277 further discloses;

the first module for receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer, and a content identification identifying the content; Col. 6, lines 59-63.

the medium further comprising: a fifth module for retrieving the content identification from the license request and identifying the content there from; the fourth module crediting the identified retailer for a portion of the payment received according to the identified content. Col. 5, lines 13-15.



As per Claims 22 and 39.

Nagahama'277 further discloses;

wherein the fourth module records the retailer information and content identification in a database for accounting and payment distribution purposes, the database including an entry for each content identification, each content identification entry including a sub-entry for each retailer information related to such content identification, each sub-entry including a count for counting the number of times a license has been issued for the specific content identification - retailer information combination, the fourth module including: a first sub-module for finding the content identification entry in the database corresponding to the content identification of the request; Col. 15, lines 7-57.

Nagahama'277 discloses the claimed invention except for the creating such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. Krishnan'124 teaches that it is known to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present and a third sub-module for incrementing the count in such sub entry. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer

information of the request, or creating such sub-entry if none is present and a third sub module for incrementing the count in such sub entry as taught by Krishnan'124. Col. 8, lines 33-67, Col. 9, lines 1-23. Fig. 3.

As per Claims 23 and 40.

Nagahama'277 further discloses;

wherein the fourth module credits the retailer according to the count in the sub-entry. Col. 7, lines 7-10.

As per Claims 24 and 41.

Nagahama'277 further discloses;

the first module for receiving a license request for the license from the customer, the request including retailer information associated with the corresponding piece of digital content and identifying the retailer, a content identification identifying the content, and content distribution information associated with the corresponding piece of digital content and uniquely identifying the content as distributed by the retailer, the medium further comprising: Col. 6, lines 59-64.

a fifth module for retrieving the content distribution information from the license request and identifying the content as distributed by the retailer there from; Col. 6, lines 65-67, Col. 7, lines 1-6

the fourth module crediting the identified retailer for a portion of the payment

received according to the identified content and identified content as distributed by the retailer. Col. 7, lines 6-10.

As per Claims 25 and 42.

Nagahama'277 further discloses;

wherein the fourth module records the retailer information, content identification, and content distribution information in a database for accounting and payment distribution purposes, the database including an entry for each content identification, each content identification entry including a sub-entry for each customer distribution information and retailer information combination related to such content identification, each sub-entry including a count for counting the number of times a license has been issued for the specific content identification - customer distribution information - retailer information combination, the fourth module including: a first sub-module for finding the content identification entry in the database corresponding to the content identification of the request; a second sub-module for finding, under such content identification entry, the customer distribution information - retailer information sub-entry in the database corresponding to the customer distribution information - retailer information of the request; and a third module for incrementing the count in such sub-entry.

Nagahama'277 discloses the claimed invention except for the creating such entry if none is present and finding, under such content identification entry, the retailer

information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. Krishnan'124 teaches that it is known to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create such entry if none is present and finding, under such content identification entry, the retailer information sub-entry in the database corresponding to the retailer information of the request, or creating such sub-entry if none is present as taught by Krishnan'124. Col. 8, lines 33-67, Col. 9, lines 1-23. Fig. 3.

As per Claims 26 and 43.

Nagahama'277 further discloses;

wherein the fourth module credits the retailer according to the count in the sub entry. Col. 9, lines 18-25.

As per Claims 27 and 44.

Nagahama'277 discloses the claimed invention except for the wherein the first module receives the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein the fifth module retrieves the content distribution information comprises retrieving the content

distribution information as attached to the site identifier. Krishnan'124 teaches that it is known to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the content distribution information attached thereto, and wherein retrieving the content distribution information comprises retrieving the content distribution information as attached to the site identifier as taught by Krishnan'124, since Krishnan'124 states at Col. 13, lines 28-31 that such a modification would provide the information to download, license, purchase and track use of the associated electronic content.

As per Claims 28 and 45.

Nagahama'277 discloses the claimed invention except a fifth module for the issuing the license. However, Nagahama'277 does teach about issuing keys to the user to operate their programs. Since both the keys and the license serve the same purpose,

it would have been an obvious matter of design choice to replace the term keys with a license and visa versa without modifying the concept of the limitation. Since applicant has not disclosed that issuing a license in place of a key solves any stated problem or is for any particular purpose unique in design, it appears that the invention would perform equally well whether it was a key or a license that was being issued.

As per Claims 29 and 46.

Nagahama'277 discloses the claimed invention except for the wherein the first module receives as addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein the third module retrieves as attached to the site identifier. Krishnan'124 teaches that it is known to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein retrieving the retailer information comprises retrieving the retailer information as attached to the site identifier. It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein receiving the license request comprises receiving the license request as addressed to a site identified by a site identifier, the site identifier including the retailer information attached thereto, and wherein retrieving the retailer information comprises retrieving the retailer information as attached to the site identifier as taught by Krishnan'124, since Krishnan'124 states at Col. 13, lines 28-31 that such a modification

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would provide the information to download, license, purchase and track use of the associated electronic content.

As per Claims 80 and 81.

Nagahama'277 discloses the claimed invention except for wherein the requesting customer is the originating customer and also the requesting customer is not the originating customer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to call the requesting customer an originating customer or a user or a buyer, etc. also to say one type of customer was not another type of customer because the examiner takes Official Notice of the equivalent of a requesting customer and an originating customer for their use in business art and the selection of any of these known equivalents to a customer or user and a retailer or an originating customer would be within the level of ordinary skill in the art.

**Claims 64-65 and 78-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,636,277 Nagahama [Nagahama'277], US 6,073,124 Krishnan et al. [Krishnan'124] and in further view of US 20010032189A1 Powell [Powell'189].**

As per Claims 64 and 78.

Nagahama'277 and Krishnan'124 discloses the claimed invention except for the wherein the payment comprises a non-monetary payment. Powell'189 teaches that it is known to have barter transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use non-monetary transactions as taught by Powell'189, since Powell'189 states at Para. 0196, that not all transactions require the transfer of money from user to originator.

As per Claims 65 and 79.

Nagahama'277 and Krishnan'124 discloses the claimed invention except for wherein the payment is selected from a group consisting of earned credits, barter chits, a promise to perform a function, and combinations thereof. Powell'189 teaches that it is known to have barter transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use earned credits, barter chits, a promise to perform a function and combinations thereof to conduct non monetary transactions as taught by Powell'189, since Powell'189 states in Para. 0196,



that not all transactions require the transfer of money from user to originator and , a user may propose to employ originator or to perform services in exchange for the right to use the originators FDI (license).

**Claims 30-34 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan'124, and further in view of Official Notice.**

Krishnan'124 discloses the claimed invention except for the terms " a first, a second, a third and a fourth module" that is performing the active limitations of the claim. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the term "computer program/system" with ° a first, a second, a third and a fourth module, etc." since the examiner takes Official Notice of the equivalent of "computer program/system" and ° a first, a second, a third and a fourth module, etc." for their use in the computer application art and the selection of any of these known equivalents to modify the limitations of a Claim would be within the level of ordinary skill in the art.

Therefore as per Claims 30 and 47.

Krishnan' 124 discloses;

a first module for retrieving the content as issued by a content provider, the as issued content having license acquisition information for acquiring a corresponding license attached thereto, the license acquisition information including a site identifier

identifying a site at which the customer may obtain a digital license corresponding to the content, the site identifier in the license acquisition information attached to the as issued content including an additional information field attached thereto; Col. 9, lines 1-67.

a second module for modifying such additional information field to include retailer information identifying the retailer; Col. 13, lines 25-55.

and a third module for delivering the content with the modified additional information field to the customer, Col. 9, lines 24-67, Fig. 4.

whereby a license request sent from the customer is addressed to the site identified by the site identifier in the license acquisition information and includes the modified additional information field attached thereto. Col. 8, lines 33-67, Col. 9, lines 1-23, Fig. 3.

As per Claims 31 and 48.

Krishnan'124 further discloses;

wherein the second module modifies such additional information field to include content distribution information uniquely identifying the content as distributed by the retailer. Table 1.

As per Claims 32 and 49.

Krishnan'124 further discloses;

wherein the second module modifies such additional information field to include a digital signature based at least in part on a portion of the modified additional information field. Col. 16, lines 24-67.

As per Claims 33 and 50.

Krishnan'l24 further discloses;

wherein the retailer is the content provider. Col 24, lines 24-67.

As per Claim 34 and 51.

Krishnan'l24 further discloses;

wherein the third module distributes the content to the customer without any license fee being collected there from. Col. 8, lines 45-58.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 13-17 are rejected under 35 U.S.C. 102e as being anticipated by US 6,073,124 Krishnan et al. [Krishnan'124]**

As per Claim 13.

Krishnan'124 discloses;

retrieving the content as issued by a content provider, the as issued content having license acquisition information for acquiring a corresponding license attached thereto, the license acquisition information including a site identifier identifying a site at which the customer may obtain a digital license corresponding to the content, the site identifier in the license acquisition information attached to the as issued content including an additional information field attached thereto; Col. 9, lines 1-67.

modifying such additional information field to include retailer information identifying the retailer; Col. 13, lines 25-55

delivering the content with the modified additional information field to the customer, Col. 9, lines 24-67, Fig. 4.

whereby a license request sent from the customer is addressed to the site identified by the site identifier in the license acquisition information and includes the modified additional information field attached thereto. Col. 8, lines 33-67, Col. 9. lines 1 23, Fig. 3.

As per Claim 14.

Krishnan'124 further discloses;

wherein modifying such additional information field comprises modifying such additional information field to include content distribution information uniquely identifying the content as distributed by the retailer. Table 1.

As per Claim 15.

Krishnan'124 further discloses;

wherein modifying such additional information field comprises modifying such additional information field to include a digital signature based at least in part on a portion of the modified additional information field. Col. 16, lines 24-67.

As per Claim 16.

Krishnan'124 further discloses;

wherein the retailer is the content provider. Col. 24, lines 12-37.

As per Claim 17.

Krishnan'124 further discloses;

wherein the retailer distributes the content to the customer without collecting any license fee there from. Col. 8, lines 45-58.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

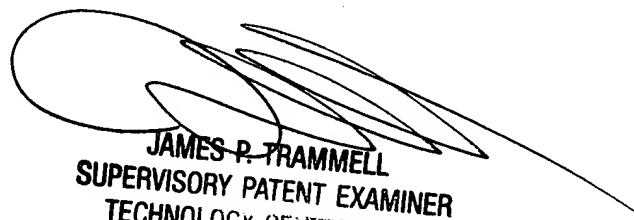
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DLG June 18, 2003



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600